UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,245	09/28/2001	Steven L. McDonald	BELL-0135/01179	5160

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EXAMINER
LE, DIEU MINH T

ART UNIT	PAPER NUMBER
2114	

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 05 March 2004.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is response to the communication filed
on 03/05/04 in application 09/966,245.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

(a) A patent may not be obtained though the invention is not
identically disclosed or described as set forth in section 102
of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the
subject matter as a whole would have been obvious at the time
the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall
not be negatived by the manner in which the invention was made.

3.   Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being
unpatentable Runyan et al (US Patent 6,546,547 hereafter
referred to as Harris) in view of Dutta et al (US Publication
Number 20040015950 A1 hereafter referred to as Dutta).

As per claim 1:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of

sotware [abstract, col. 1, lines 5-11] via a nework [col.

1, lines 15-20];

comprising:

- receiving data representing a function of the software

[abstract] to be tested [col. 5, lines 9-14];

- storing the data representing the function of the

software [abstract] be tested in an acceptance/regression

testing database [col. 10, lines 29-54];

- receiving an identifier of a technician assigned to test

the function [col. 8, lines 4-20];

- storing the identifier in the acceptance/regression

testing tracking database [abstract, col. 10, lines 29-54]

- receiving an indication of a result of the technician's

testing of the function [abstract, col. 8, lines 26-33].

Runyan does not explicitly teach:

- storing the indication in the acceptance testing tracking

database.

However, Runyan does disclose capability of:

- a functional program testing, regression testing, final

(i.e., acceptance) testing, and fix procedure via a network

[abstract];

- **write report to log file [fig. 5, col. 9, lines 43-49].**

In addition, Dutta does explicitly disclose capability of:

- A method and implementation for testing and providing

upgraded versions of application program [abstract, col. 1,

par. 0001] via a network [col. 4, claim 1] comprising:

- data stored and saved based on data analysis and data

acceptance [col. 3, par. 0026].

- save test result in persistent medium [col. 4, par.

0027].

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of Applicant's invention

to apply the Dutta's data stored and saved based on data

analysis and data acceptance capability in conjunction with the

Runyan's functional program testing, regression testing, final

(i.e., acceptance) testing, and fix procedure via a network in

maximizing the functional software testing among client/server

environment.

One of ordinary skill in the art would have been motivated
to do so to provide the client/server's tracking
acceptance/regression testing of software with mechanism to
improve data availability and integrity in ensuring data
upgrading performing accuracy as much as possible including new
software version, data access authorization, data tracking,
etc... That is by utilizing this approach; first, any error or
failure occurred in the client/server system can be identified,
detected, corrected **(i.e., bug-fixing/ Runyan, col. 1, lines
24)**, and upgraded via data tracking and testing of
acceptance/regression software **(e.g., Object Oriented
Programming (OOP), Runyan, col. 1, line 26]**.

As per claims 2-3:

Runyan further teaches:

- data representing a function of the software to be tested
is received

-- from a vendor [col. 4, lines 55-62];

-- from a client of a vendor [col. 10, lines 20-23].

Dutta further teaches:

- data representing a function of the software to be tested
is received

-- from a vendor [col. 1, par. 0006];

-- from a client of a vendor [col. 1, par. 0007].

As per claims 4-6:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of

software [abstract, col. 1, lines 5-11] via a nework [col.

1, lines 15-20].

Runyan does not explicitly teach:

- a ticket number is a unique sequential number.

However, Runyan does disclose capability of:

- a functional program testing, regression testing, final

(i.e., acceptance) testing, and fix procedure [abstract] of

software release numbering scheme and identifier [fig. 6A-

6C];

- test configuration [fig. 9];

- testing based on device type in a given vendor's or

customer's testing [col. 10, lines 20-23].

- a unique test identifier [col. 8, lines 65 through col.

9, lines 23].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to realize that the Runyan's functional program testing, regression testing, final (i.e., acceptance) testing, and fix procedure of software release numbering scheme and identifier among client/server environment would have been included such a ticket number is a unique sequential number since Runyan's test configuration, **a unique test identifier**, and device type testing do obviously must have such sequential number in order to performing the software testing.

One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to assign and track each of functional software testing. By utilizing this approach, new software version can be upgraded and track thoroughly end-to-end process.

As per claims 7 and 15:

Runyan substantially teaches the invention. Runyan teaches:
- a method for tracking acceptance/regression testing of sotware [abstract, col. 1, lines 5-11] via a nework [col. 1, lines 15-20];

comprising:

- receiving an indicator of a severity of a function to be

tested [abstract, col. 9, lines 53-65;

- storing the indicator of severity of the function in the

database [col. 9, lines 50-51].

- a computer-readable medium containing computer-executable

instruction for performing the method [col. 12, lines 44-

60].

As per claim 8:

Runyan substantially teaches the invention. Runyan teaches:

- a method for tracking acceptance/regression testing of

software [abstract, col. 1, lines 5-11] via a nework [col.

1, lines 15-20];

comprising:

Runyan does not explicitly teach:

- the communication network is an intranet.

However, Runyan does disclose capability of:

- the communication network is an internet [col. 2, line

62].

- local area network (LAN) and wide area network (WAN)

[col. 1, lines15-20].

- network switches and router for specific networking [col.

1, lines 42-65].

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of Applicant's invention

to realize that the Runyan's software testing via LAN, WAN,

Internet, and other specific networks would have been included

such intranet as claimed by Applicant. This is because the

intranet is a closed network connected via switches and router

for its specific networking environment.

One of ordinary skill in the art would have been motivated

to do so to provide the client/server's tracking

acceptance/regression testing of software with mechanism to

provide a high reliability and integrity testing via a closed

network such intranet communication environment. By utilizing

this approach, new software version can be upgraded and track

securely.

As per claims 9-14:

    Runyan further teaches:

    - data representing a function of the software to be tested

    is received

        -- from a vendor [col. 4, lines 55-62];

-- from a client of a vendor [col. 10, lines 20-23].

- geographically diverse users [col. 4, lines 20-26];

Runyan does not explicitly teach:

- an authorized group for access to tracking application.

However, Runyan does disclose capability of:

- a functional program testing, regression testing, final

(i.e., acceptance) testing, and fix procedure via a network

[abstract];

- **write report to log file [fig. 5, col. 9, lines 43-49];**

- customer monitoring the software testing [col. 4, lines

53-67].

In addition, Dutta further teaches:

- data representing a function of the software to be tested

is received

-- from a vendor [col. 1, par. 0006];

-- from a client of a vendor [col. 1, par. 0007].

- **user access to application [col. 4, claim 4].**

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time of Applicant's invention

to apply the Dutta's user access to application based on data analysis and data acceptance capability in conjunction with the Runyan's customer monitoring the software testing among client/server environment to enhance the software testing security including access control and authorization.

One of ordinary skill in the art would have been motivated to do so to provide the client/server's tracking acceptance/regression testing of software with mechanism to ensuring end-to-end data integrity and security via traversing intranet and/or internet networking environment. That is by utilizing this approach, only authorized user can access and perform testing and tracking application.

As per claims 16-18:

Due to the similarity of claims 16-18 to claims 1-15 except for a system for tracking acceptance/regression [abstract] testing comprising client/server environment [Runyan, col. 1, lines 50], receiving data, storing data, etc... instead of a method for tracking acceptance/regression testing comprising client/server environment, receiving data, storing data, etc; therefore, these claims are also rejected under the same rationale applied against claims 1-15. **In addition, all of the limitations have been noted in the rejection as per claims 1-15.**

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5.   A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh Le whose telephone number is (703)305-9408. The examiner can normally be reached on Monday – Thursday from 8:30 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703)305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2114

DML
8/11/04